

(ಅಧ್ಯಕ್ಷರು)

into the constitutional position. I have come to the conclusion that this Government has absolutely no authority or no constitutional power in this respect. It may be that the Minister for Law might have talked about it on many platforms and referred to it. But it is not his constitutional responsibility. That has to be clearly understood. I make it clear to Sri Puttaramiya that though there might be cogent arguments, I must be guided by the constitutional position.

**Sri KADIDAL MANJAPPA.**—It is a policy matter and the policy with regard to our relationship with China has to be determined by the Central Government and not by the State Government.

**Mr. SPEAKER.**—The duties and responsibilities of an Indian are something different from the constitutional position of the State Government. Even though it is a very important question which has agitated the mind of every patriotic Indian, I am constrained to say that this adjournment motion is not admissible.

### PAPER LAID ON THE TABLE.

**Sri T. SUBRAMANYA** (Minister for Law, Labour and Local Self-Government).—I beg to lay on the Table Notification No. LLH. 258, dated 23rd November 1953, issued under Section 38 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947).

### MYSORE PUBLIC SERVICE COMMISSION (CONDUCT OF BUSINESS AND ADDITIONAL FUNCTIONS) BILL, 1958.

*Motion to consider*—(contd.)

† ಶ್ರೀ ಬಿ. ಎನ್. ಮೂಡಲಗಿರಿಗೌಡ (ಕುಣಿಗಲ್).—ಸ್ವಾಮಿ, ಮೈಸೂರು ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್ ಬಿಲ್ಲಿನ ಮೇಲೆ ನನ್ನ ವಾತವ್ಯವನ್ನು ಮುಂದುವರಿಸುತ್ತಾ, ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಹಾಗೆ ಇರತಕ್ಕ ಸೂಚನೆಯನ್ನು ನೋಡಿದರೆ ಇದರಲ್ಲಿ ಎರಡು ವಿಷಯಗಳು ಅಡಕವಾಗಿವೆ. ಒಂದು ನೇರವಾಗಿ

ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್ ಕಾಂಟ್ರಾಕ್ಟ್ ಮಾಡಿ ಕ್ಯಾಂಡಿಡೇಟ್ಸ್ ಸೆಕ್ಷನ್ ಮಾಡತಕ್ಕದ್ದು. ಎರಡ ನೆಯದು ರೋಲ್ ಕಾಂಟ್ರಾಕ್ಟ್ ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್ ಅನ್ನು ಕನಸಲ್ವ ಮಾಡಿ ಅಪಾಯಿಂಟ್ ಮಾಡತಕ್ಕದ್ದು. ಕನಸಲ್ವ ಮಾಡತಕ್ಕದ್ದು ಎನ್ನುವುದೇ ಸ್ವಲ್ಪ ನಮಗೆ ಅಗಾಧವಾಗಿ ಕಾಣುತ್ತದೆ. ಇಲ್ಲಿ ಗೆಜೆಟೆಡ್ ಅಫೀಸ್ಸ್ ಅಪಾಯಿಂಟ್ ಮಾಡುವಾಗ ರೋಲ್ ಕಾಂಟ್ರಾಕ್ಟ್ ಅವರನ್ನು ಕನಸಲ್ವ ಮಾಡ ತಕ್ಕದ್ದು ಇದ್ದೇ ಇದೆ. ನಾನು ಗೆಜೆಟೆಡ್ ಅಫೀಸ್ಸ್ ವಿಷಯವನ್ನು ಹಿಂದಿನ ದಿವಸ ತಿಳಿಸಿದ ಹಾಗೆ ಎಂದರೆ ಅಟೆಂಡರ್ಸ್ ಹೊರತು ನಾನು ಗೆಜೆಟೆಡ್ ಅಫೀಸ್ಸ್ ಅಪಾಯಿಂಟ್ ಮಾಡತಕ್ಕದ್ದು ಎಲ್ಲಾ ಹುದ್ದೆಗಳಿಗೂ ಕೂಡ ನೇಮಕ ಮಾಡುವಾಗ ಕನಸಲ್ವ ಮಾಡಬೇಕು ಎನ್ನುವ ಅಭಿಪ್ರಾಯ ಇದರಲ್ಲಿ ವ್ಯಕ್ತವಾಗಿತ್ತು. ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್ ಕೆಲಸ ಕಾರ್ಯಗಳನ್ನು ಒಳಹೊಕ್ಕು ನೋಡಿದರೆ, ರೋಲ್ ಕಾಂಟ್ರಾಕ್ಟ್ ಅಪಾಯಿಂಟ್ ಮಾಡಿಕೊಳ್ಳತಕ್ಕದ್ದು ಎಷ್ಟು ಕಷ್ಟವಾಗುತ್ತದೆ ಎನ್ನತಕ್ಕದ್ದು ಮನವರಿಕೆಯಾಗುತ್ತದೆ. ಒಂದು ಉದಾಹರಣೆಯನ್ನು ನಾನು ಕೊಟ್ಟರೆ ಬಹುಶಃ ಅದು ತಪ್ಪಾಗಲಾರದು. ಇಡೀ ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್ ಅಫೀಸ್ಸ್ ಬಂದು ಹುದ್ದೆಗೆ ಪ್ರಮೋಟ್ ಮಾಡತಕ್ಕ ವಿಷಯ ಗೆಜೆಟೆಡ್ ರಾಜ್ಯಕ್ಕೆ ವರಿತಕ್ಕೂ ಒಂದು ವಿಷಯ. ಅದು 6 ತಿಂಗಳುಗಳಿಂದ ಇಂಥ ಮನುಷ್ಯನಿಗೆ ಸೀನಿಯಾರಿಟಿ ಇದೆ, ಎಲ್ಲಾ ಕ್ಯಾಲಿಫಿಕೇಷನ್ ಇದೆ ಎನ್ನತಕ್ಕ ವಿಷಯ ಕಮಿಷನ್ ನಲ್ಲಿ ತೀರ್ಮಾನವಾಗಿದೆ. ಒಂದು ಸಾರಿ, ಎರಡು ಸಾರಿ ಮೂರು ಸಾರಿಯೂ ಕೂಡ ತೀರ್ಮಾನ ತೆಗೆದುಕೊಂಡಿದ್ದರೂ ಇದನ್ನು ಎಫೆಕ್ಟಿಗೆ ಕೊಡದೆ ಫೈನಲ್ ತೀರ್ಮಾನ ತೆಗೆದು ಕೊಳ್ಳದೆ ಇರತಕ್ಕ ಒಂದು ಉದಾಹರಣೆ ನಮ್ಮ ಕಣ್ಣು ಇದರಿಗೆ ಇದೆ. ಇದನ್ನು ಏತಕ್ಕೋಸ್ಕರ refer ಮಾಡುತ್ತಿದ್ದೆ (ನೆಂದರೆ, ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್ ಅನ್ನು Expand ಮಾಡಬೇಡಿ ಇರುವುದರಿಂದ ಇಂತಹ ಅನಾಹುತಗಳು, ಇಂತಹ ಒಂದು ಅವೇಶವಾಗುವುದಕ್ಕೆ ಕಾರಣವಾಗುತ್ತದೆ. ಈ ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್ ಅನ್ನು Expand ಮಾಡದಿರುವುದರಿಂದ ಈ ರೀತಿ ಕೆಲಸಗಳು ನಿರ್ವಹವಾಗಲು ಕಾರಣವಾಗಿವೆ. ಅಫೀಸ್ಸ್ ಒಬ್ಬ ಅಧಿಕಾರಿಗೇ ಅನಾಯವಾಗಿವೆ. ಇಂತಹವರಿಗೆ ಒಂದು ವರ್ಷದ ಹಿಂದೆಯೇ ಪ್ರಮೋಷನ್ ಕೊಟ್ಟಿದ್ದರೆ ಅವನಿಗೆ ಯಾವ ಸೌಲಭ್ಯ ದೊರೆಯುತ್ತಿತ್ತೋ ಅದು ಇವೊತ್ತಿನ ದಿವಸ ದೊರೆಯುತ್ತಿತ್ತೋ ಅನಾಯವಾಗಿದೆ. ಎಲ್ಲಿ ಮರೆ ಹೋಗಬೇಕು? ಇಷ್ಟೆಲ್ಲಾ ಇದನ್ನು ಯಾವ question ಮಾಡುವ ಹಾಗೆ ಇಲ್ಲ ಎಂಬ ಭಾವನೆಯೇ, ಏನೋ. ಇಂತಹ ಪರಿಸ್ಥಿತಿಯಲ್ಲಿರುವಾಗ, ರೋಲ್ ಕಾಂಟ್ರಾಕ್ಟ್ ಗಳನ್ನು ನಿಷ್ಪತ್ತಿ ಮಾಡಬೇಕು ಎನ್ನುವ ಪರಿಸ್ಥಿತಿಗೆ ಬಂದರೆ ಯಾವ ಕಾಲಕ್ಕೆ ನೇಮಕವಾಗುವುದು? ಅಲ್ಲಿಯವರೆಗೆ ರೋಲ್ ಕಾಂಟ್ರಾಕ್ಟ್ ಗಳನ್ನು ಗತಿಯೇನು? ದೇವರೇ ಕಾಪಾಡಬೇಕು. ಈ ಬಿಲ್ಲಿನ ಸೆಕ್ಷನ್ 17ರ (iv) ಮತ್ತು (v) ರಲ್ಲಿ ಹೇಳಲಾಗಿದೆ. ನಾನು ನಿನ್ನೆಯ ದಿವಸ ತಿಳಿಸಿದ ಹಾಗೆ, ರೋಲ್ ಕಾಂಟ್ರಾಕ್ಟ್ ಕೆಲಸ ಮಾಡುವ ಯಾರಿಗೂ ಎರಡು ರೂಪಾಯಿ ಗಳ ಜುಲ್ಮಾನೆಯನ್ನೂ ಹಾಕುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ. ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಅಡಕವಾಗಿರುವಂತೆ ನನಗೆ ಅನುಭವವಾಗಿದೆ ಎನ್ನುವುದನ್ನು ಸುಪಡಿಸುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಇಲ್ಲಿ ಒಂದು ವಿಷಯವನ್ನು ಹೇಳುತ್ತೇನೆ. ಟೌನ್ ಮುನಿಸಿಪಲ್ ಕೌನ್ಸಿಲ್ ಗಳಿಗೆ, ಕಾರ್ಪೊರೇಷನ್ ಗಳಿಗೆ ಅಥವಾ



(ಶ್ರೀ ಬಿ. ಎಚ್. ಮೂಡುಗಿರಿಗೌಡ)

ಹೋಗುವುದಿಲ್ಲ. ಆದರೆ ಕೆಲವು ಅನಿವಾರ್ಯವಾದ ಸಂದರ್ಭಗಳು, personal factors ಇರಬಹುದು. ಮುಖ್ಯಮಂತ್ರಿಗಳಾದವರ ಮಗ ಪರೀಕ್ಷೆಗೆ ಕುಳಿತು ಕೊಂಡನೆಂದು ಇಟ್ಟುಕೊಳ್ಳೋಣ. ಆಗ ಅವನು ಉತ್ತೀರ್ಣನಾಗುವುದೂ ನಿಜವೆಂದು ಇಟ್ಟುಕೊಳ್ಳೋಣ. ಫಸ್ಟ್ ಕ್ಲಾಸಿನಲ್ಲಿ ಬಾರದೇ ಇದ್ದರೂ ಥರಡ್ ಕ್ಲಾಸಿನಲ್ಲಿ ಪಾಸ್ ಆಗಿರುತ್ತಾನೆ. ಅಂಥವನು Viva Voce ಯಲ್ಲಿ, personal interviews ನಲ್ಲಿ ಎಲ್ಲರಿಗಿಂತ ಹೆಚ್ಚು ಅಂಕಗಳನ್ನು ಪಡೆಯಬಹುದು. ಈ ರೀತಿ ಅನೇಕ ಕಡೆಗಳಲ್ಲಿ, ಕಾಲೇಜುಗಳಲ್ಲಿ ಮತ್ತು ಇತರ ಕಡೆಗಳಲ್ಲಿ ನಡೆದಿರುವುದು ನಮ್ಮ ಗಮನಕ್ಕೆ ಬಂದಿದೆ. ಇದೆಲ್ಲ ಅನಿವಾರ್ಯ, ಏನೂ ಮಾತುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ಹಳ್ಳಿಯಿಂದ ದಿಲ್ಲಿಯವರೆಗೂ ಇದ್ದೇ ಇದೆ. ದೆಹಲಿ ಯಲ್ಲಿರತಕ್ಕ ಕೇಂದ್ರದ ಮಂತ್ರಿಗಳ ಅಥವಾ ಅಧಿಕಾರಿಯ ಮಗನು I.A.S. ನಲ್ಲಿ ಮತ್ತು ಇಂಥ ಇತರ ಪರೀಕ್ಷೆಗಳಲ್ಲಿ ಉತ್ತೀರ್ಣನಾಗಿ ಬರುತ್ತಾನೆ, ಯಾವುದರಲ್ಲಿ ಬೇಕಾದರೂ ಮುಂದೆ ಬರುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ. ಹೀಗೆಲ್ಲ ಇರುವಾಗ ಪರೀಕ್ಷೆಗಳಿಂದಲೇ ಮೆರಿಟ್‌ನಿಂದಲೇ ನಮ್ಮ ಹುಡುಗನನ್ನು ಸರಕಾರ ಮಾಡುತ್ತಾರೆ ಎನ್ನುವುದರಲ್ಲಿ ಅರ್ಥವಿಲ್ಲ. ಒಂದು ಪರೀಕ್ಷೆಗಳಿಂದಲೇ ಸೆರೆಕ್ಷೆ ಮಾಡುತ್ತೇವೆಂದರೆ ಅದರಲ್ಲಿ ನಂಬಿಕೆ ಇರುವವನು ನಾನು ಅಲ್ಲ. ಇಂದು ಅಂಕ ಪಾಲಿಟಿಷಿಯನ್ ಇದ್ದಾರೆ. ಅವರು ನಾಲ್ಕೈದು ಸಾರಿ ಪರೀಕ್ಷೆಯಲ್ಲಿ ಉತ್ತೀರ್ಣರಾಗದೆ ಕೊನೆಯ ಹೇಗೋ ಉತ್ತೀರ್ಣರಾಗಿರುತ್ತಾರೆ. ಅವರಿಗೆ ಈಗ ಮೆರಿಟ್ ಇಲ್ಲವೇ? ಅಂಥವರು ಈ ಸಭೆಯಲ್ಲಿ ಪ್ರಭಾವಯುತ ವಾದ ಭಾಷಣವಾರರಾಗಿ, ಯಶಸ್ವಿಯಾಗಿ ಕೆಲಸ ಕಾರ್ಯಗಳನ್ನು ನೆರವೇರಿಸುತ್ತಿದ್ದಾರೆ. ಎಲ್ಲರೂ ಪರೀಕ್ಷೆಗಳಲ್ಲಿ ತೇರ್ಗಡೆಹೊಂದಿ ಮೇಲೆ ಬಂದಿಲ್ಲ. ನಾನು ಸಾರ್ವತ್ರಿಕವಾಗಿ ಹೇಳುತ್ತಿಲ್ಲ; ಮೆರಿಟ್ ನಲ್ಲಿ ಬಂದವರು ಪ್ರಯೋಜನವಿಲ್ಲದವರು ಎಂದೂ ಹೇಳುತ್ತಿಲ್ಲ. ಹಾಗೂ ಇರುತ್ತಾರೆ; ಹೀಗೂ ಇರುತ್ತಾರೆ. ಮೆರಿಟ್‌ನಲ್ಲಿ ಬಂದವರು ಆದೇತದಲ್ಲಿ failure ಆಗತಕ್ಕ ಪರಿಸ್ಥಿತಿಯೂ ಇದೆ, ಮೆರಿಟ್‌ನಲ್ಲಿ ಬಾರದೆ ಇರುವವರು ಆದೇತದಕ್ಷರೂ, integrity ಇರುವವರೂ ಮತ್ತು ಸತ್‌ವಂಶರೂ ಆಗಿರುವ ಸಂದರ್ಭಗಳೂ ಇವೆ. ನನ್ನ ಕೈಯಲ್ಲಿ ಒಂದು ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ. ನಾನು ಅದನ್ನು ಸತ್ಯ ಮತ್ತು ನಿಷ್ಠೆಗಳಿಂದ ನಿರ್ವಹಿಸಬೇಕು ಎನ್ನುವ ಶ್ರದ್ಧೆ ಇದ್ದರೆ ಅಂಥವನಿಗೆ ನೂರಕ್ಕೆ 110 ನಂಬರುಗಳನ್ನು ಕೊಡಬಹುದು. ಇದು ಸಾಮಾನ್ಯ ವಾದ ಪದ್ಧತಿ ಆದರೆ ಪರೀಕ್ಷೆಗಳು ಇರಕೂಡದು ಎಂದು ನಾನು ಹೇಳುವವನಲ್ಲ. ಅದಕ್ಕೆ ಅಷ್ಟೊಂದು ಮಹತ್ವವನ್ನು ಕೊಡಬಾರದು. ಹಿಂದುಳಿದ ಜನಾಂಗದವರು, ಯಾರಿದ್ದಾರೆ ಆ ಜನಾಂಗಗಳಲ್ಲಿ ಎಂದರೆ backward ಮತ್ತು depressed classes ನಲ್ಲಿ ಅಭಿವೃದ್ಧಿಗಳನ್ನು ಆರಿಸುವಾಗ, ಅವರವರಲ್ಲಿ ಆಯಾ ಜನಾಂಗಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಹಾಗೆ ಬೇಕಾದರೆ ಮೆರಿಟ್ ಎನ್ನುವುದನ್ನು ನಿಷೇಧಿಸಬೇಕು. ಒಂದು ಕಾನೂನನ್ನು ಮಾಡಿ ಅದರ ಮೂಲಕ ಅಧಿಕಾರವನ್ನು ಇನ್ನೊಬ್ಬರಿಗೆ ವಹಿಸುವಾಗ ಎಲ್ಲ ಅಂಶಗಳನ್ನೂ ಯೋಚನೆ ಮಾಡಿ ಅವರ ಕೈಗೆ ಅಧಿಕಾರವನ್ನು ಕೊಡಬೇಕು, ಒಂದು ಸಲ ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟ ಮೇಲೆ ಅದನ್ನು ಹಿಂದಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳಬಹುದು ಸಾಧ್ಯವಿಲ್ಲದ ಮಾತು. ನಾನು ಹೆಚ್ಚು ಕಾಲವನ್ನು

ತೆಗೆದುಕೊಳ್ಳುವುದಿಲ್ಲ. ಈಗ ಇರತಕ್ಕ ಕಮಿಷನ್ನಿನ ಸದಸ್ಯ ಸಂಪ್ರಿಯನ್ನು ಮೂರರಿಂದ ಐದಕ್ಕೆ ಅತಿ ಶ್ರೀಶ್ರುದಾಗಿ ಹೆಚ್ಚಿಸಬೇಕು. ಇದನ್ನು ಎಷ್ಟು ಶ್ರೀಶ್ರುದಾಗಿ ಮಾಡಿದರೆ ದೇಶದ ಸಮಸ್ಯೆಗಳು ಅಷ್ಟು ಬೇಗ ಪರಿಹಾರವಾಗುತ್ತವೆ, ದೇಶದಲ್ಲಿ ಸಮಾಧಾನವುಂಟಾಗುತ್ತದೆ ಎಂದು ಈ ಬಿಲ್ಲಿನ ಸಂಬಂಧದಲ್ಲಿ ಹೇಳಿ ನನ್ನ ಒಂದೆರಡು ಮಾತುಗಳನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

Mr. SPEAKER.—The Hon'ble Minister will reply.

Sri C. J. MUCKANNAPPA.—I want a chance, Sir.

Mr. SPEAKER.—This has to be finished by 3 O'Clock.

Sri C. J. MUCKANNAPPA.—Let it be extended by one hour, Sir.

Mr. SPEAKER.—If I give you a chance, I shall have to give chances to others—Sri B. S. Shankarappa, Sri K. Kenchappa etc. I cannot give you a chance and refuse others.

Sri C. J. MUCKANNAPPA.—You give a chance to anybody, Sir. I am making a request to the Chair to give me a chance. Let it be closed at the stroke of sixty minutes.

Mr. SPEAKER.—As I understand, the Hon'ble Minister will take about forty minutes.

Sri C. J. MUCKANNAPPA.—The Chair may allow about 20 minutes more and Sri B. S. Shankarappa to speak for five minutes. I do not come in his way.

Mr. SPEAKER.—He does not want to speak. I cannot give any chance like that.

Sri R. CHENNIGARAMIAH.—What is the time—limit for this Bill?

Mr. SPEAKER.—One hour today. It has been decided by the House.

†Sri T. SUBRAMANYA (Minister for Law, Labour and Local Self-Government).—Sir, originally I did not intend to take this Bill through a Select Committee, but because of a particular circumstance necessitating myself moving an amendment to this Bill I wish to take this Bill to a Select Committee of this House with a direction from this House that the Select Committee should give its report during the present session itself. Therefore I do not want to deal with all the suggestions and criticisms made by several Hon'ble Members in this House. There were several criticisms levelled

against the Public Service Commission's way of doing things and also about the relationship between the Government and the Public Service Commission. Though all those aspects of the case are outside the purview of the present Bill, criticisms having been levelled, I will deal with some of them in my reply.

The present Bill contemplates to enact a law which determines the conduct of business by the Commission. Sri Narasimhan referred to the inappropriateness of bringing an enactment in order to regulate the conduct of business of the Commission, but I would very respectfully draw his attention to several enactments where the procedure for the conduct of business has been laid down. I draw his attention to the Town Municipalities Act, 1951, where the conduct of business has been referred to and regulated under the provisions of an enactment. Similarly, there are several other enactments. Unless there is an enactment we cannot frame rules for the conduct of business of that body and so an enactment becomes necessary and in this enactment we have stated that this is the procedure which they will generally follow in doing their business and there is nothing inappropriate in including those provisions in the present Bill.

Some other member said that clauses 7 and 9 were contradictory and that one of them must be deleted or both of them together; but I would like to draw the attention of the House to the fact that the two are different. Clause 9 deals with quorum:

"The quorum for a meeting of the Commission shall be two but the Presiding Officer may adjourn any business at a meeting if he is of opinion that it cannot conveniently be transacted owing to the non-attendance of any member."

Sri C. J. MUCKANNAPPA.—What is meant by 'conveniently'? What is the danger?

Sri T. SUBRAMANYA.—I refer my friend to the Oxford Dictionary for the meaning of the word. The word 'convenient' has a wide meaning. No

Hon'ble Member raised any question about the use of the word 'conveniently' during the debate. As I was saying, clauses 7 and 9 are not at all contradictory. Clause 7 intends to give some powers to the Chairman of the Commission. It reads:

"If the Chairman is unable to be present at a meeting of the Commission, the seniormost member present shall act on his behalf:

Provided that where the Chairman so requires, no action shall be taken upon any decision arrived at in a meeting at which he was not present, until he has been informed of such decision, and upon being so informed, he may require that any such decision shall be reconsidered at a meeting at which he is present."

This is some extra power being vested in the Chairman because he is the most important member of the Commission with extraordinary powers. Whenever the Chairman is absent and two members transact business and when if this matter is brought to his notice he considers that it is a matter requiring reconsideration, it must be within his powers to say that it shall not be executed and that it shall be referred back to the Commission for reconsideration.

Sri C. J. MUCKANNAPPA.—Suppose in a meeting besides the Chairman there are two members and a decision is taken by the majority vote of the two members other than the Chairman. What happens then?

Sri T. SUBRAMANYA.—I wish my friend had read the Bill completely.

Sri C. J. MUCKANNAPPA.—If I had been given a chance I would have explained it, but I was shut out.

Sri T. SUBRAMANYA.—My friend will have ample opportunity when the Select Committee report comes before the House and so he need not feel aggrieved. If he reads the Bill carefully he will see that all decisions are taken by a majority vote. If the whole Commission consisting of three members is present and if two members vote, then it need not go before the



(SRI T. SUBRAMANYA)

Chairman, but here it only means that where the Chairman is absent and the other two members decide a matter or any question by a majority, if the Chairman considers that it is a matter requiring reconsideration, we have vested sufficient power in him to refer it back to the entire Commission. That is the provision of clause 7.

Clause 9 reads that the quorum for a meeting of the Commission shall be two. Somebody suggested it to be three. Now the Commission consists of only three members. We may raise it to four, but that is a different matter. The clause says that if two members are present and the Presiding Officer is absent—

Sri C. J. MUCKANNAPPA.—You said that you might raise it to four. Who are you to raise it? It is only the Governor who can appoint and not you. This Government may go out tomorrow after passing this Bill, but the Governor may raise the number to four. Then what is the use of fixing the majority in this clause?

Sri T. SUBRAMANYA.—My friend should not forget the constitutional responsibility of the Governor and the Government. The Governor acts under advice from the Government and therefore in this case even though he is the appointing authority I take the full responsibility for it on behalf of the Government. We will have to advise him that it is necessary to raise the number of members of the Commission. If we do it after hearing all these comments, then we will have to shoulder the responsibility and not shove it upon the shoulder of the Governor.

Sri C. J. MUCKANNAPPA.—I also know something of parliamentary democracy.

Sri T. SUBRAMANYA.—Will the Member please bear with me and not go on interrupting me unnecessarily on matters which are irrelevant for the consideration of this Bill?

Sri C. J. MUCKANNAPPA.—Yesterday the Minister was pleased to seek information from my friend Sri Kothavale.

Sri T. SUBRAMANYA.—The Chair may kindly direct him to follow the ordinary rules of procedure on the floor of this House. When I do not yield and when I am standing on my legs, it would be out of order for the Member to stand up and talk.

Sri C. J. MUCKANNAPPA.—This has been done several times on several occasions.

Mr. SPEAKER.—May be several times, but this is not the occasion.

ಶ್ರೀ ವೈ. ವೀರಪ್ಪ.—ಇವರಿಬ್ಬರೂ ಭೀಷ್ಮ, ದ್ರೋಣರು ಇದ್ದ ಹಾಗೆ ಇದ್ದಾರೆ. ಅವರಿಬ್ಬರೂ ನಡೆಸುವ ವಾದವನ್ನು ಕೇಳುವುದಕ್ಕೆ ನಮಗೂ ಚೆನ್ನಾಗಿದೆ.

Sri T. SUBRAMANYA.—It is neither Bheeshma nor Drona's Sishyas were of a better type. Whatever that may be, that apart, I only say that there is a quorum of two and they conduct the business and if the Presiding authority feels that it is a matter in which the other Member has also to express his view before taking a decision, he has that power to adjourn the question to a second meeting.

Coming to clause 14.....

Sri R. CHENNIGARAMIAH.—Clause 12?

Sri T. SUBRAMANYA.—Clause 12 is that the Commission may depute one or more of its members to be associated with any Committee or Board set up to deal with problems of recruitment or promotion. It so happens that we will have to recruit to All-India cadre. In such a case, the All India Board comes here and the Public Service Commission or some members of it will have to be associated with the recruitment. Therefore, in such cases this deputation of members becomes necessary. The matter may be gone into in detail at the Select Committee.

Sri R. CHENNIGARAMIAH.—Please see the proviso.

Sri T. SUBRAMANYA.—There are some cases where in it the view of the Commission is required. Even though some Members are associated by means of deputation in the selection of certain candidates, there may be certain cases wherein the opinion of the entire Commission is necessary. That is why that provision is there. This is only one

instance; there are several such occasions. Therefore, we have made that provision. But, if at the Select Committee, after knowing the full argument for retaining that clause, the Members feel that this is redundant and unnecessary, that is a different matter. What we say here is, that a safeguard has been provided.

If the Board sits with one or two members and comes to a decision, we make a provision that the matter may be referred to the Commission. There is greater security and greater reasonableness of the decision being taken by the Commission when they sit as a Commission. Therefore, it is a greater safeguard for justice being done to all people. Hence, I feel, at present, that that proviso is necessary. That is why I am not moving the amendment. I shall allow the Select Committee to go into this question. When it comes before this House, the House can consider it in greater detail.

Then, Sir, clause 14.

"The Chairman, or in his absence the next Senior Member, may deal with any urgent matter appearing to him to require immediate action. Such action shall be reported to the Commission as early as possible".

Sir, some Hon'ble Members took exception to the inclusion of this clause. Within my own experience I have found out that some times you will have to consult both the High Court and the Public Service Commission while framing certain rules. There are instances where the High Court have asked for our opinion within 24 hours. In such a case, we refer to the Public Service Commission and they will have to send it back to us. In such cases, the Chairman or the senior-most member may send the opinion to us and then refer it back to the Commission. While framing the Munsiffs rules, for example, we had to consult both the High Court and the Public Service Commission. In order to cover cases of that kind, such a provision has been made. Sir, I do not want to take the House through all the sections, because I have got only five

minutes at my disposal, except certain points only.

Arguments have been advanced with regard to the number of members the Public Service Commission expanding it. Some members said that we had given the Commission more work and so it would be necessary to enlarge the Commission without which they would not be able to cope with the work. This argument was advanced by several members. I consider that view deserves consideration and the Government will apply its mind and advise the Governor suitably.

The next point that was raised by this Hon'ble House was that while selecting the next Member to the Public Service Commission, we should keep in mind the territorial rights; one Member from Bombay Karnataka and one from Hyderabad area.

Sri T. N. MUDALAGIRI GOWDA.—There must be integrity also.

Sri T. SUBRAMANYA.—Integrity is a matter which cannot be decided by anybody. It is a thing which depends on the conduct and character of the person. Therefore, at the time of selection, it is impossible for any man to find out whether a man is honest and upright.

Sir, I consider that selections are not made on territorial basis. But, still we have to bear in mind the demands of several parts of the State. It was brought to our notice that a majority of the people recruited to the departments were from one area; it cannot be said that there is no talent in the other areas. This has been gone into in great detail. The Speaker asked to supply information as to the number of applications received from the various parts of these areas. This is not the time to discuss it and we will look into it later on.

There are several criticisms levelled against Government. Some Hon'ble Member said that Ministers interfered with the work of the Commission.

Sri T. N. MUDALAGIRI GOWDA.—If there are instances?

Sri T. SUBRAMANYA.—Certainly it would be wrong. I do not expect any Minister to have done it. I only say, it is false and untrue.

Sri K. PUTTASWAMY (Mysore).—Untrue to your knowledge' Sir?

Sri T. SUBRAMANYA.—Certainly, untrue to my knowledge. Beyond my knowledge, I cannot speak.

Sir, I have also heard that the claims of the Harijans are there to be represented on the Commission. We will give due regard to that.

(*Interruption*)

Sir, I have never interrupted when the Members spoke. I am one of those who least interfere when the debate is going on.

(Sri C. M. Arumugham raised a point)

Sri C. J. MUCKANNAPPA.—I rise to a point of order. Let there be a ruling given. The Hon'ble Member has taken oath in the name of 'C M Arumugam'; he has not taken oath in the name of 'C.M. Shanmugam'. I want that the Hon'ble Minister be called to order.

Mr. SPEAKER.—If the Hon'ble Member does not understand humour, I cannot help.

Sri T. SUBRAMANYA.—If it is so matter of fact, prosaic and dry, I cannot help it. That apart, Sri Arumugam raised a point that the work of the Commission was at a stand-still and that the Government was wrong. It is true that we have issued instructions to all the people to stop recruitment because we have to finalise the list of backward classes. We have been collecting statistics for that purpose, so that any scheme that we envisage must be based upon some intelligible basis. The High Court holds that it is *ad hoc*; it is arbitrary. Therefore there must be some intelligible basis for the Commission to act. For that purpose, the Government is busy collecting statistics not only to find out who are backward and also what is the measure by which we can determine backwardness, whether economic backwardness also may be a factor, whether educational backwardness can be considered what is the present strength of different communities in various schools and colleges—these are the statistics that we are collecting. Till then, if we

recruit and appoint, Sri. Arumugam or his friend sitting behind will raise his voice and say that this Government is committing a contempt of the High Court. Hence all recruitments have been stopped.

Sri M. C. NARASIMHAN.—What about competitive examinations?

Sri T. SUBRAMANYA.—Competitive examinations apart, the examinations that are now sought to be entrusted to the Commission are departmental examinations and there is no first class and second class. Every person who enters the service will have to pass certain departmental examination before he gets promotion. We are conducting it departmentally. You don't know the pressure brought upon the Chairman of the Board of Examinations to add 5 marks in S.A.S. and all those things. Therefore, I say it is best that it is conducted by the Commission, which I feel and I know will not be influenced by outside agencies. I do not wish to take much time because I will have another opportunity and then I will deal with other points. When the Commission gives its opinion, Government have a right to differ from them, send it back to the Commission for reconsideration. Even after reconsideration or refusing reconsideration, the Government have a right to differ from them and explain to this House why they differ from the verdict of the Commission.

Sri T. N. MUDALAGIRI GOWDA.—On the merits of the case.

Sri T. SUBRAMANYA.—We consider each case on its own merit. There is not only case but also merit in that clause. With these few words I commend that the Bill be considered by this House.

Mr. SPEAKER.—The question is :

“That the Mysore Public Service Commission (Conduct of Business and Additional Functions) Bill, 1958 be taken into consideration.”

*The motion was adopted.*

— — —

**Motion to refer to Select Committee.**

Sri T. SUBRAMANYA.—I beg to move :

“That the Mysore Public Service Commission (Conduct of Business and Additional Functions) Bill, 1958 be referred to a Select Committee of the following members :

Sri V. P. Deenadayalu Naidu  
Sri K. Puttaswamy  
Sri M. B. Inamti  
Sri H. K. Siddiah  
Sri S. D. Kothavale  
Sri V. Srinivasa Shetty  
Sri B. Chamiah  
Sri B. K. Puttaramiah  
Smt. Ratnamma Madhava Rao,

with a direction that they give their report during the present session.”

Mr. SPEAKER.—The question is :

“That the Mysore Public Service Commission (Conduct of Business and Additional Functions) Bill, 1958 be referred to a Select Committee of the following members :

Sri V. P. Deenadayalu Naidu  
Sri K. Puttaswamy  
Sri M. B. Inamti  
Sri H. K. Siddiah  
Sri S. D. Kothavale  
Sri V. Srinivasa Shetty  
Sri B. Chamiah  
Sri B. K. Puttaramiah  
Smt. Ratnamma Madhava Rao,

with a direction that they give their report during the present session. The Hon'ble Minister who has moved the Bill will be the Chairman of the Committee.”

*The motion was adopted.*

Mr. SPEAKER.—The House now rises and will meet half an hour later.

*The House adjourned for recess at Ten Minutes past Three of the Clock and re-assembled at Forty Minutes past Three of the Clock.*

[Mr. DEPUTY SPEAKER in the Chair]

### **MYSORE MATERNITY BENEFIT BILL, 1958.**

*Motion to consider.*

Sri T. SUBRAMANYA (Minister for Law, Labour and Local Self-Government).—I beg to move :

“That the Mysore Maternity Benefit Bill, 1958, as passed by the Legislative Council, be taken into consideration.”

Mr. DEPUTY SPEAKER.—Motion moved :

“That the Mysore Maternity Benefit Bill, 1958, as passed by the Legislative Council, be taken into consideration.”

†Sri T. SUBRAMANYA.—Sir, while commending this Bill for the consideration of this House, I draw the attention of the Hon'ble Members to the notes on clauses on page 11 which makes it very clear that this Act is intended to give benefit to those women who are in pregnancy and in confinement. During pregnancy and confinement, they say, “every woman in a factory, mine, plantation or an establishment shall be entitled to, and her employer shall be liable for (i) the payment of maternity benefit at the rate of seventy-five naye paise a day or calculated at a rate of 7/12th of the average daily wage multiplied by seven for a week, whichever is higher, and (ii) the grant of maternity leave; during the period of four weeks immediately preceding and including the day of her confinement and for eight